

# CHAPTER 1

## The Employer Testing Program

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<b>Introduction</b> <b>1.1</b>	<p>Each year the Department of Motor Vehicles (DMV) waives the drive test for approximately 14,000 Class A and Class B drivers if the Employers of these drivers have certified that they are qualified to drive commercial vehicles. DMV gives the authority to certify drivers to Employers who qualify for an Employer Number (EN).</p> <p>If DMV has authorized your participation in the Employer Testing Program (ETP), you may certify drivers that your organization has trained, tested, and currently employs. Upon successful completion of the drive test portion of the CDL examination conducted by your examiner, you may give the driver a Certificate of Driving Skill, which DMV may accept in place of the DMV driving test.</p>
<b>Authority</b> <b>1.2</b>	<p>The authority to establish and administer the program is contained in the following:</p> <ul style="list-style-type: none"> <li>• Title 49 of the Code of Federal Regulations, part 383.75, allows the state to use third party testers to conduct the commercial behind the wheel driving test under specific conditions.</li> <li>• Title 13, California Code of Regulations, Article 2.1, §25.06 through §25.22 regulates the third party testing program.</li> <li>• Vehicle Code §12804.9(e) allows the department to accept a Certificate of Driving Skill, that is issued by an Employer. The Employer must be authorized by the department to issue a certificate under §15250, to the applicant, in lieu of a driving test, on Class A or Class B applications. The applicant must first qualify for a Class C license and has also met the other requirements for the license for which he or she is applying.</li> <li>• Vehicle Code §15250(c) allows the department to allow third-party testers to administer the driving test portion of the examination under specified conditions Vehicle Code §15250(d).</li> </ul>
<b>Pre-requisites</b> <b>1.3</b>	<ul style="list-style-type: none"> <li>• The Employer requesting participation in the ETP must be engaged in an activity that includes the use of vehicles requiring its employees to possess a valid Class A or Class B Commercial Driver License or a Non-Commercial Firefighters Class A or Class B Driver License.</li> <li>• You must have terminals in California where business is conducted, driving tests are conducted, and ETP records are kept.</li> </ul>

<b>Pre-requisites (cont.) 1.3</b>	<p>A “Terminal” means a physical structure located in California owned, leased or rented by the Employer.</p> <p>The physical structure shall be designated by a street number or road location, be open during normal business hours, (8:00 a.m. to 5:00 p.m.), and have located within it:</p> <ol style="list-style-type: none"> <li>(1) A telephone or telephones publicly listed in the name of the Employer,</li> <li>(2) A person or persons conducting the Employer’s business, and</li> <li>(3) The operational records of the Employer pertaining to ETP.</li> </ol> <p><b>Note:</b> Rental of a desk or desk space in a structure, that is not owned, leased, or rented by the Employer, does not constitute a valid place of business for the purposes of ETP qualifications.</p>
<b>On-going Requirements 1.4</b>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Allow DMV and the Federal Motor Carrier Safety Administration (FMCSA) to evaluate your company’s driving test for compliance with required standards.</li> <li>• Keep testing and training records for each driver given a Certificate of Driving Skill. (See the “Records Required” section in this handbook for specific record keeping requirements.)</li> <li>• Allow DMV and the FMCSA to conduct annual and/or random on-site inspections or audits.</li> <li>• Give drive tests that are the same as DMV.</li> <li>• Have an agreement with DMV.</li> <li>• Have examiners that meet DMV training requirements.</li> <li>• Allow DMV to charge a fee that will defray the cost of the program.</li> </ul> <p><b>(See chapters 3 &amp; 4 for detailed instructions)</b></p>
<b>Employer Roles And Responsibilities 1.5</b>	<p>It is your responsibility to:</p> <ul style="list-style-type: none"> <li>• Ensure that each driver hired, who is an original commercial driver license applicant or is upgrading his or her commercial status, must be given a commercial driving test equivalent to the test given by DMV.</li> </ul> <p>The drive test must include a pre-trip inspection, skills test, and road test.</p>

<b>Employer Roles and Responsibilities (cont.)</b> <b>1.5</b>	<p><b>NOTE:</b> A Certificate of Driving Skill is not required to be submitted for those drivers who already hold the proper class license to drive your vehicles. Newly hired drivers who hold the proper license for company vehicles may be given a modified commercial driving test.</p> <ul style="list-style-type: none"> <li>• Abide by the provisions in Title 13, California Code of Regulations, Article 2.1, §25.06 through §25.22, Vehicle Code §12804.9(e) and §15250(c) and (d) governing the Employer Testing Program.</li> <li>• Designate an administrator, and one or more authorized representatives, and one or more examiners.</li> <li>• Ensure that all drivers are provided specified commercial driver training prior to certification.</li> <li>• Enroll each examiner in the Employer Pull Notice Program under your Employer Pull Notice Number during the Employment/Contract period.</li> <li>• Pay a non-refundable application fee, if required, which covers a maximum of three years. (Governmental Employers are exempt.)</li> </ul> <p>Prior to allowing an examiner to conduct a commercial drive test, you must ensure:</p> <ul style="list-style-type: none"> <li>• The examiner has received and continues to have DMV eligibility to administer drive tests for the specified class of license for which the test is being administered.</li> <li>• A written contract is entered into with all new examiners at the time of appointment, and with existing examiners at the time of your ETP renewal.</li> <li>• The drivers you certify are employed by you.</li> </ul>
<b>Canceling an Employer Number</b> <b>1.6</b>	<p>An EN may be cancelled at any time. Canceling the EN immediately ensures that no one can use the EN to certify drivers.</p> <p>The EN can be cancelled by writing to DMV on Employer letterhead, or by submitting the “Voluntary Cancellation Request” form. This form is located in the forms section of this book.</p> <p>If you have been granted a voluntary cancellation of your EN, and wish to reactivate your EN, you may do so (as long as the EN has not expired) by submitting a Request for Reactivation of Employer Number located in this handbook. If the EN expires within 60 days of the date of the request for reactivation, you must submit a renewal Application, the Commercial Driving Performance Evaluation Route and Directions, Employer Testing Program Commercial DPE Maneuver Checklist, the route maps, and payment of a non-refundable Application fee for non-governmental Employers.</p>

<b>Canceling an Employer Number (cont.)</b> <b>1.6</b>	DMV may cancel an EN, if the EN was issued in error, by giving the Employer at least 15 days prior written notice of such cancellation. Whenever an EN is cancelled by DMV, it will be without prejudice.
<b>Change of Name and/or Address</b> <b>1.7</b>	<p>Your correct street and mailing address must be noted on the Employer record with DMV. ETP must be notified of any changes in your street or postal address within 10 days.</p> <p>A change of Employer name must be reported to DMV within 10 days of occurrence by submitting a new Application.</p> <p>Failure to notify DMV of a change of address or Employer name can result in important notices not being received (e.g., renewal notice, suspension). However, Employers are still held responsible for these notices.</p>
<b>Change of Administrator</b> <b>1.8</b>	When there is a change of administrator, you must notify DMV within 10 days. A change of administrator requires a new Application for EN, with the signature of the new administrator, and a list of authorized representatives. Failure to notify DMV of a change of administrator may result in actions being taken against your authority and/or the drivers certified during the period when the administrator was not employed by you.